UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
--X

ANCIL LEGALL,
Plaintiff
JURY TRIAL DEMANDED
COMPLAINT

-Against-

CITY OF NEW YORK, KENNETH FAULKNER (shield 9499), *individually*, WE 2299 ACP LLC, MATTHEW WEISSMAN, *individually*, and WEISSMAN EQUITIES LLC,
Defendants
--X

Plaintiff, ANCIL LEGALL, by his attorneys, LAW OFFICES OF AMBROSE WOTORSON, alleges as follows:

I. INTRODUCTION

1. This is an action to vindicate the rights of plaintiff.

2. At all relevant times, defendants, WE 2299 ACP LLC, MATTHEW WEISSMAN, *individually*, and WEISSMAN EQUITIES LLC, collectively acted as plaintiff's residential landlord and constructively evicted plaintiff by means of fraud, and conspired with the New York City Police Department and police officer Kenneth Faulkner, in his individual capacity, to maliciously prosecute him and to maliciously abuse process to

achieve a collateral objective of constructively evicting him from his residence. Further, defendants WE 2299 ACP LLC, MATTHEW WEISSMAN, *individually*, and WEISSMAN EQUITIES LLC caused plaintiff's substantial mental anguish as a consequence thereof.

3. Indeed, plaintiff contends that all defendants conspired, and did wrongfully remove him from an SRO building and/or rent stabilized apartment, *in part* because of a desire to turn the SRO building and/or rent stabilized apartment into more profitable luxury apartments and condominiums, and separately, to constructively evict by means of fraud, conspiracy, malicious prosecution and malicious abuse of process.

II. JURISDICTION

4. This Court has jurisdiction over this action under New York's 42 U.S.C Sections 1983 and 1985. Venue is proper, as the operative events occurred within this judicial district, and the courts pendent jurisdiction is invoked for plaintiffs' common-law claims under New York law.

III. PARTIES

5. ANCIL LEGALL (hereinafter, "Plaintiff ') who currently resides 101 West 138th Street, Apartment 2-B New York, New York 10030, hereby sues on his own behalf. At all relevant times, he was a

tenant of defendants WE 2299 ACP LLC, MATTHEW WEISSMAN, *individually*, and WEISSMAN EQUITIES LLC, at a building and residential concern located at 2299 Adam Clayton Powell, Jr. Boulevard, New York, New York 10030.

6. WE 2299 ACP LLC, MATTHEW WEISMAN, *individually,* and WEISSMAN EQUITIES LLC (hereinafter, "Defendants") together constitute a for-profit residential concern, which, upon information and belief, are separately incorporated in the State of New York. They may sue and be sued, and they share an address at 54 West 21st Street, Suite 306, New York, New York 10010. Upon information and belief, MATTHEW WEISSMAN, individually, at all relevant times was the owner and CEO of both WE 2299 ACP LLC and WEISSMAN EQUITIES LLC, and at all relevant times, personally directed defendants' actions against plaintiff.

7. CITY OF NEW YORK is a state actor for 42 U.S.C. Section 1983 purposes. Defendant may sue and be sued, and its principle place of business is in New York County, New York. At all relevant times, the CITY OF NEW YORK employed the individual defendant listed herein. The CITY OF NEW YORK is herein sued for having violated plaintiff's civil rights while acting under color of state law and/or acting pursuant to its own practices, customs and policies

8. POLICE OFFICER, KENNETH FAULKNER, in his individual capacity, at all relevant times, was employed with defendant City of New York, as a police officer. At all relevant times, he acted under color of state law and/or pursuant to the practices, policies and customs of the City of New York in conspiring with WE 2299 ACP LLC, MATTHEW WEISMAN, *individually,* and WEISSMAN EQUITIES LLC to maliciously prosecute and maliciously abuse process against plaintiff to achieve a collateral objective of constructively evicting plaintiff. Separately, Faulkner had plaintiff maliciously prosecuted and maliciously abused process against him to achieve a collateral objective. He is herein sued in his individual capacity for violating plaintiff's civil rights.

IV. **FACTUAL AVERMENTS**

9. Plaintiff became tenant at a building located at 2299 Adam Clayton Powell, Jr. Boulevard, New York, New York 10030 owners, operated and controlled by defendants.

10. That building was designated as a single-occupancy building with rent-stabilized apartments, and plaintiff resided therein for nine (9) years without ever having to pay more than $450.00 a months.

11. At all relevant times, plaintiff lived alone and on the second floor of the building.

12. Plaintiff never had any problems in the building during his first seven or eight years there, when the building was owned and operated by entities other than WE 2299 ACP LLC, MATTHEW WEISMAN, *individually,* and WEISSMAN EQUITIES LLC, the defendants herein.

13. However, upon information and belief, in late 2013, defendants, took over ownership and operation of the building.

14. Plaintiff's lease "ran with the building" and he was not required to sign a new one when defendants assumed ownership, operation and control.

15. However, upon information and belief, defendants intended to convert the building from single SRO and/or rent stabilization to luxury apartments and condominiums.

16. Indeed, upon information and belief, defendants have converted one or more other buildings that they own, operate and control into luxury apartments and/or condominiums.

17. Defendants intent to convert the building to luxury apartments and condominiums were never communicated to plaintiff and to other similarly situated tenants in the building.

18. Upon information and belief, almost immediately upon assuming operation and control of the building, defendants mounted

efforts to get plaintiff and others out of the building.

19. Indeed, without prior notice or warning, defendants provided no electricity for three days and three nights after they took over the building in late 2013.

20. Without prior notice or warning, defendants provided no hot water for several mornings after they took over ownership and operation of the building in late 2013.

21. Plaintiff immediately, but reasonably, complained to defendants about the lack of electricity and hot water.

22. However, defendants' representatives falsely claimed that plaintiff became loud, irate and abusive in late 2013.

23. Defendants' assertions were false, and upon information and belief, was part of a scheme to move plaintiff, and tenants like him, out of the building by falsely claiming that he and others had engaged in various lease violations, such as fighting and/or other tumultuous behavior.

24. Defendants also falsely claimed that in late 2013 that plaintiff pointed his finger in one of defendants' representatives' face and threatened her.

25. Plaintiff immediately denied this.

26. Shortly thereafter, defendants' representatives orally offered

plaintiff between $10,000 and $50,000 in "moving expenses". Plaintiff refused to accept any sum in moving expenses.

27. Much later, in the early summer of 2014, Plaintiff again declined to accept any moving expenses, but this time, for anything less than $30,000.

28. MATTHEW WEISMAN, *individually,* and WEISSMAN EQUITIES LLC falsely claimed that plaintiff had physically threatened one of their representatives with a knife some six (6) months earlier.

29. Municipal Defendants, City of New York and Kenneth Faulker knew, and reasonably should have known from questioning defendants' account, that defendants' stale, six (6) month-old accusation was flimsy, suspicious and entirely lacking in probable cause to arrest plaintiff.

30. Still, the City of New York, through Kenneth Faulkner, in his individual capacity, arrested plaintiff without probable cause, for "menacing" and "criminal possession of a weapon", maliciously abused process against plaintiff and had plaintiff maliciously prosecuted for crimes that they he knew or reasonably should have known, with due diligence, that plaintiff did not commit, in part, because plaintiff is a black and dreadlocked man, and Faulkner subscribed to the false stereotypical

assertions without an investigation, that that plaintiff was violent.

31. Faulker also understood from speaking with the false complainant/building owners MATTHEW WEISMAN, *individually,* and WEISSMAN EQUITIES LLC, that defendant was no longer wanted in the building. Faulker and the false complainant/building owners had a meeting of the minds to remove plaintiff from the building by means of a criminal and subsequent prosecutions, which was wrongful. .

32. Plaintiff was arrested, fingerprinted, photographed and subjected to a criminal prosecution in July 2014 by defendants City of New York and Kenneth Faulkner, individually.

33. Upon information and belief, defendants' false assertions that plaintiff had threatened them was in retaliation for plaintiff's reasonable complaints about his tenancy, and was part of a scheme to get plaintiff to move out of the building so that the building could eventually be converted to luxury apartments and condominiums.

34. Moreover, defendants' false assertions allowed defendants to bring, and to maintain a lease violation action for eviction against plaintiff in Housing Court.

35. This civil action had been pending for four months in Housing Court when criminal charges were brought against plaintiff for

the same alleged tumultuous behavior brought against him in Housing Court in order to achieve leverage in the Housing Court matter.

36. As a consequence of facing simultaneous criminal proceedings and eviction proceedings, plaintiff moved out of the building as defendants desired.

37. Plaintiff initially moved into a local YMCA for several months before eventually securing a considerably more expensive apartment with the $10,000 that defendants gave to plaintiff in alleged moving expenses.

38. However, no settlement agreement was signed or agreed regarding defendants' constructive eviction of plaintiff, regarding defendants' fraudulent conduct or regarding defendants' negligently inflicting emotional distress upon plaintiff.

39. Plaintiff *did not* waive his right to bring the instant lawsuit against any of the defendants herein.

40. Moreover, on or about November 3, 2014, the criminal charges against plaintiff for "menacing" and "criminal possession of weapon" were terminated in plaintiff's favor, as defendants' lacked probable cause to arrest plaintiff and there was no basis to continue the criminal case against him. Further, defendants had achieved their

collateral objective of constructively evicting plaintiff.

41. However, as a proximate result of Defendants' illegal actions towards Plaintiff, Plaintiff has suffered impairment and damage to Plaintiff s good name and reputation in his community, where he is a storeowner.

42. Plaintiff who is a dreadlocked black man often overheard whispers about his being arrested and about his allegedly being violent. These are whispers and suggestions that he had not heard prior to defendants illegal activities against him

43. As a further proximate result of Defendants' illegal actions towards Plaintiff, Plaintiff has suffered mental anguish and emotional injury, and he should be awarded damages for the same where available.

44. Defendants' illegal actions were willful, outrageous and were malicious, and were intended to injure Plaintiff, and were done with reckless indifference to Plaintiff s protected rights entitling plaintiff to damages where available, including against Kenneth Faulkner, individually.

V. CAUSES OF ACTION

First Cause of Action - Malicious Prosecution

45. Plaintiff hereby repeats and realleges each and every paragraph above.

46. By recklessly initiating, or causing a criminal action to be recklessly initiated against plaintiff, without probable cause, which later terminated in plaintiffs' favor, defendants maliciously prosecuted in violation of the 4th, 5th and 14th Amendments of the United States Constitution as secured by 42 U.S.C. Section 1983.

Second Cause of Action - Malicious Abuse of Process

47. Plaintiff hereby repeats and realleges each and every paragraph above.

48. By initiating, or causing a criminal action to be initiated against plaintiff, without probable cause and to achieve and illegitimate collateral objective, defendants maliciously abused process against plaintiff in violation of the 4th, 5th and 14th Amendments of the United States Constitution as secured by 42 U.S.C. Section 1983.

Third Cause of Action - Section 1985 Conspiracy

49. Plaintiff hereby repeats and realleges each and every paragraph above.

50. By having a meeting go the minds to recklessly initiate or recklessly cause to initiate, a criminal action against plaintiff, for the purpose or a collateral objective, without probable, and in part, because of the plaintiff's race, defendants conspired to violate, and did violate, the 4th, 5th

and 14th Amendments of the United States Constitution as secured by 42 U.S.C. Section 1985 (as also made actionable by and through Section 1983).

Fourth Cause of Action - Racial Discrimination

51. Plaintiff hereby repeats and realleges each and every paragraph above.

52. By falsely accusing plaintiff of violent and tumultuous behavior with a weapon and intentionally exploiting a racial stereotype because plaintiff is a dreadlocked black man, by arresting him, by prosecuting him and by maliciously abusing process against him, all because of his race and in order to remove him from his home, defendants violated 42 U.S.C. Section 1981, as made actionable by and through, 42 U.S.C. Section 1983.

Fifth Cause of Action – Fraud

53. Plaintiff hereby repeats and realleges each allegation contained in each numbered paragraph above.

54. By falsely accusing plaintiff of violent a
nd tumultuous behavior with a weapon in order to achieve a collateral objective of removing plaintiff from the building and to pursue conversion to from SRO to luxury apartments, defendants willfully committed common-law fraud against plaintiff.

Sixth Cause of Action – Negligent Infliction of Emotional Distress

55. Plaintiff hereby repeats and re-alleges each allegation contained in each numbered paragraph above.

56. By falsely accusing plaintiff of violent and tumultuous behavior with a weapon in order to achieve a collateral objective of removing plaintiff from the building and to pursue conversion to from SRO to luxury apartments, by causing plaintiff to be arrested and prosecuted, by causing plaintiff to be constructively evicted y causing plaintiff to be rendered homeless for a period, and by causing plaintiff give up SRO apartment in favor an apartment that is considerably more expensive, defendants have negligently cause plaintiff suffer extreme emotional distress in violation of New York's common laws.

Seventh Cause of Action – Constructive Eviction

57. Plaintiff hereby repeats and re-alleges each allegation contained in each numbered paragraph above.

58. By falsely accusing plaintiff of violent and tumultuous behavior with a weapon, by maliciously prosecuting him and by maliciously abusing process against him, all in order to achieve a collateral objective of removing plaintiff from the building where he lived, defendants illegally constructively evicted plaintiff in violation of New

York's common laws.

VI. PRAYER FOR RELIEF:

WHEREFORE, plaintiffs pray that this Court grant judgment to them containing the following relief:

a. Empanel a jury;

b. award of plaintiff's actual damages in an amount to be determined at trial;

c. award plaintiff compensatory damages to compensate plaintiff for mental anguish, humiliation, embarrassment, emotional injury, where available;

d. award of punitive damages, where available;

e. award of reasonable attorneys' fees and the costs of this action if available; and,

f. award any other relief this court deems just and proper.

Dated: New York, New York
August 19, 2017

Law Office of Ambrose Wotorson
S//***Ambrose W. Wotorson, Jr***.
Ambrose W. Wotorson, Jr.
225 Broadway, 41st Floor

New York, New York 10007
646-242-3227
609-598-0567(c)
Loaww1650@aol.com